

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEVEN TERAN

Plaintiff,

v.

PETE DIMAS ENTERPRISES, LLC.

Defendant

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CIVIL ACTION NO. 4:18-cv-1866

DEFENDANT PETE DIMAS ENTERPRISES, LLC.
INITIAL DISCLOSURES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and joint Case Management Order, Defendant, PETE DIMAS ENTERPRISES, LLC. ("PDE"), through its undersigned counsel, makes the following initial disclosures to the plaintiff in the above in the above referenced lawsuit. These initial disclosures are based on information presently known and reasonably available to PDE which PDE reasonably believes it may use in support of its claims and defenses. Continuing investigation and discovery may cause PDE to amend these initial disclosures, including by identifying other potential witnesses, documents and by disclosing other pertinent information. PDE therefore reserves the right to supplement these initial disclosures.

By providing these initial disclosure, PDE does not represent that it is identifying every document, tangible thing or witness possibly relevant to this action. In addition, these disclosures are made without PDE in any way waiving its right to object to any discovery request or proceeding involving or relating to the subject matter of these disclosures on any grounds, including competency, privilege, relevancy and materiality, hearsay, undue burden,

confidentiality, or any other appropriate grounds. Furthermore, these disclosures are not an admission by PDE regarding this matter.

Each and every disclosure set forth below is subject to the above qualifications and limitations.

DISCLOSURE UNDER 26(a)(1)

1. PERSONS WITH DISCOVERABLE INFORMATION

Defendant's investigation into the issues and claims asserted in this matter is continuing and Defendant reserves the right to supplement this list of Persons with Discoverable Information at a later date, if necessary. Defendant is currently aware of the following persons with discoverable information.

Pete Dimas
Pete Dimas Enterprises, LLC.
c/o Russell C. Ducoff
The Law Office of Russell C. Ducoff
4615 Southwest Freeway, Suite 500
Houston, Texas 77027
(713) 665-8750
(866) 369-5413 (Facsimile)

Pete Dimas is the owner of Defendant's business. Mr. Dimas is believed to have knowledge of the job duties, pay hours worked and how Plaintiffs pay was calculated.

Darlene Garcia
Pete Dimas Enterprises, LLC
5750 N. Sam Houston Parkway East
Houston, Texas 77032
(281) 227-0003

Darlene Garcia is President of Accounting of Pete Dimas Enterprises, LLC. Ms. Garcia is believed to have knowledge of all accounts payables and accounts receivables.

Linda Rena
Pete Dimas Enterprises, LLC
5750 N. Sam Houston Parkway East
Houston, Texas 77032
(281) 227-0003

Ms. Rena is Vice-President of Human Resources and the Office Manager for Pete Dimas Enterprises, LLC. Ms. Rena is believed to have knowledge of tracking all orders, drivers, pick-ups and insurance.

Steven Teran
c/o Josef F. Buenker
The Buenker Law Firm
2060 N. Loop West, Suite 215
Houston, Texas 77018
(713) 868-3388
(713) 683-9940 (Facsimile)

Mr. Teran has knowledge of his job duties, work hours, tasks performed, pay received and working conditions while employed by Defendant.

2. DOCUMENTS

At this time, Defendants have some documents relevant to the disputed facts, which were produced upon request of Plaintiff's attorney.

- Paystubs from ADP: TERAN 05-12
- Paystubs from CSBCHR: TERAN 13-21
- Checks from Pete Dimas Enterprises, LLC: TERAN 22-38

Defendant reserves the right to supplement these lists of documents, as necessary and per the rules.

3. DAMAGES

Defendant denies that Mr. Teran is entitled to any overtime wages

Defendant will supplement with specifics upon receipt of appropriate documents.

Plaintiff Steven Teran seeks compensation for unpaid overtime for the time period from February 2017 until March 2018

4. INSURANCE AGREEMENTS

There are no insurance coverage known at this time that could cover the claims asserted by Plaintiff.

DISCLOSURE UNDER 26(a)(2)

Defendant designates the following individual(s) who may be called to testify or give evidence in this matter under FRE 702, 703 or 705:

1. Pete Dimas
2. Darlene Garcia
3. Linda Rena

Dated: September 20, 2018

Law Offices of Russell C. Ducoff

/s/ Russell C. Ducoff

Russell C. Ducoff

SBOT: 06168500

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4615 Southwest Freeway, Suite 500

Houston, Texas 77027

713-665-9750 Phone

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ATTORNEY FOR DEFENDANT,
PETE DIMAS ENTERPRISES, LLC.

CERTIFICATE OF SERVICE

This is to certify that the foregoing DEFENDANT'S INITIAL DISCLOSURES were electronically filed with the clerk of the Court using the CM/ECF system that will automatically send email notification of such filing to the following attorney(s) of record:

Thomas H. Padgett, Jr.
2060 North Loop West, Suite 215
Houston, Texas 77018

/s/ Russell C. Ducoff
Russell C. Ducoff